

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

PAMELA PHILLIPS,)	
Plaintiff,)	
)	
vs.)	1:10-cv-610-WTL-TAB
)	
VILLAGE MANAGEMENT, INC.,)	
Defendant.)	

ORDER GRANTING PLAINTIFF'S MOTION TO COMPEL

Plaintiff served interrogatories on Defendant on November 30, 2010, and agreed to extensions through January 25, 2011, February 19, and February 28. Defendant never provided answers. On March 2, after much correspondence with Defendant, Plaintiff moved for an order compelling answers and awarding attorney's fees. [Docket No. 31.] On March 3 and 4, Defendant provided incomplete answers.¹

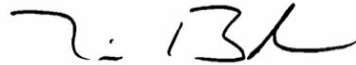
Defendant offers several generic objections to Plaintiff's interrogatories and states that it was unable to answer because its "keeper of the records" was pre-occupied with year-end financial matters. Defendant waived these objections by failing to raise them in a timely manner. Fed. R. Civ. P. 33(b)(4). Defendant shall provide complete answers without objections to Plaintiff's interrogatories by April 19, 2011.

Rule 37(a)(5) requires the Court to award attorney's fees incurred in bringing a successful motion to compel unless such an award would be unjust. The Court declines to award

¹Defendant claims that "all Interrogatories and Requests for Discovery were sent to Plaintiff by Monday, February 28, 2011," [Docket No. 33 at 2] but provides no support for this assertion. Plaintiff submitted Defendant's answers showing certificates of service dated March 3 [Docket No. 35-1 at 29] and March 4 [Docket No. 35-2 at 25].

fees at this time. However, the parties shall make a good faith effort to resolve the fee issue. If the parties cannot reach a resolution, Plaintiff may file a motion for fees along with supporting documentation. Given the nature of this discovery dispute, it seems likely that some fee award would be appropriate, and therefore the formality and related expense of a motion for fees is best avoided.

Dated: 03/31/2011



Tim A. Baker
United States Magistrate Judge
Southern District of Indiana

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